

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHAMBER OF COMMERCE OF THE)
UNITED STATES OF AMERICA; and)
RASIER, LLC,) No. 17-cv-00370-RSL
Plaintiffs,)
vs.)
THE CITY OF SEATTLE; SEATTLE)
DEPARTMENT OF FINANCE AND)
ADMINISTRATIVE SERVICES; and FRED)
PODESTA, in his official capacity as Director,)
Finance and Administrative Services, City of)
Seattle,)
Defendants.)

STIPULATED MOTION TO EXTEND MOTIONS
AND BRIEFING SCHEDULE (17-cv-00370)

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1 **STIPULATED MOTION TO EXTEND MOTIONS AND BRIEFING SCHEDULE**

2 Pursuant to Local Rules 7(d)(1) and 10(g), Plaintiffs and Defendants (“Seattle”) submit this
3 stipulated motion to extend the deadlines set forth in the parties’ January 15, 2019 Joint Status Report.
4 For the reasons set forth herein, the parties stipulate and agree that the time for Seattle to file its Rule
5 56(d) motion shall be extended by two weeks, to March 22, 2019, and the opposition and reply
6 deadlines will likewise be extended by two weeks.

7 1. This case, on remand from the Ninth Circuit, involves a facial challenge to a Seattle
8 ordinance authorizing for-hire drivers to engage in collective negotiations over the terms of their
9 contracts with ride-referral and similar companies (known under the ordinance as “driver
10 coordinators”). Plaintiffs allege that the ordinance violates and is preempted by federal antitrust law.

11 2. On October 26, 2018, the parties submitted a Joint Status Report and Discovery plan
12 agreeing to defer discovery pending the Court’s resolution of a motion for discovery under Rule 56(d)
13 to be filed by Seattle after Plaintiffs moved for summary judgment, and agreeing to a scheduling for
14 the filing and briefing of such motions. The parties further agreed to suspend the filing and briefing
15 of such motions while the Seattle City Council considered an amendment to the challenged ordinance.

16 3. On January 11, 2019, the Mayor signed into law an amendment to the ordinance.

17 4. On January 15, 2019, the parties submitted a Joint Status Report providing that
18 Plaintiffs’ motion for summary judgment would be filed by February 15, 2019; Seattle’s Rule 56(d)
19 motion would be filed by March 8, 2019; Plaintiffs’ opposition to the Rule 56(d) motion would be
20 filed by March 29, 2019; and Seattle’s reply in support of the Rule 56(d) motion would be filed by
21 April 12, 2019. The parties’ proposed schedule provided that, if Seattle chose not to file a Rule 56(d)
22 motion, its opposition to Plaintiffs’ motion for summary judgment would be due by March 29, 2019.

23 5. Plaintiffs filed their motion for summary judgment on February 15, 2019.

24 6. Under the existing briefing schedule, Seattle’s Rule 56(d) motion is due on March 8,
25 2019.

26 7. Seattle requires additional time to prepare its Rule 56(d) motion. The additional time
27 is necessary because Seattle’s counsel has a number of other commitments during the time frame in

which its motion must be researched and drafted. These commitments were not apparent to counsel for Seattle when the parties agreed to the proposed schedule in January, but make it impossible for Seattle to prepare its Rule 56(d) motion within the allotted time.

8. No party will be prejudiced by the proposed extension.

9. Accordingly, the parties stipulate to the proposed revised schedule for briefing and filing of motions:

Seattle's Rule 56(d) Motion: March 22, 2019

Plaintiffs' Opposition to Rule 56(d) Motion: April 12, 2019

Seattle's Reply in Support of Rule 56(d) Motion: April 26, 2019.

IT IS SO STIPULATED.

DATED this 5th day of March, 2019. Respectfully submitted,

PETER S. HOLMES
Seattle City Attorney

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Attorneys for Plaintiff Rasier, LLC

ORDER

IT IS SO ORDERED.

Dated this 8th day of March, 2019.

**The Hon. Robert S. Lasnik
Senior United States District Judge**

The Hon. Robert S. Lasnik

Senior United States District Judge

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